

19-2-103. Members of board -- Appointment -- Terms -- Organization -- Per diem and expenses.

- (1) The board consists of the following nine members:
 - (a) the following non-voting member, except that the member may vote to break a tie vote between the voting members:
 - (i) the executive director; or
 - (ii) an employee of the department designated by the executive director; and
 - (b) the following eight voting members, who shall be appointed by the governor with the consent of the Senate:
 - (i) one representative who:
 - (A) is not connected with industry;
 - (B) is an expert in air quality matters; and
 - (C) is a Utah-licensed physician, a Utah-licensed professional engineer, or a scientist with relevant training and experience;
 - (ii) two government representatives who do not represent the federal government;
 - (iii) one representative from the mining industry;
 - (iv) one representative from the fuels industry;
 - (v) one representative from the manufacturing industry;
 - (vi) one representative from the public who represents:
 - (A) an environmental nongovernmental organization; or
 - (B) a nongovernmental organization that represents community interests and does not represent industry interests; and
 - (vii) one representative from the public who is trained and experienced in public health.
- (2) A member of the board shall:
 - (a) be knowledgeable about air pollution matters, as evidenced by a professional degree, a professional accreditation, or documented experience;
 - (b) be a resident of Utah;
 - (c) attend board meetings in accordance with the attendance rules made by the department under Subsection 19-1-201(1)(d)(i)(A); and
 - (d) comply with all applicable statutes, rules, and policies, including the conflict of interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B).
- (3) No more than five of the appointed members of the board shall belong to the same political party.
- (4) A majority of the members of the board may not derive any significant portion of their income from persons subject to permits or orders under this chapter.
- (5) (a) Members shall be appointed for a term of four years.
 - (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that half of the appointed board is appointed every two years.
 - (c) (i) Notwithstanding Subsection (5)(a), the term of a board member who is appointed before March 1, 2013, shall expire on February 28, 2013.
 - (ii) On March 1, 2013, the governor shall appoint or reappoint board members in accordance with this section.

- (6) A member may serve more than one term.
- (7) A member shall hold office until the expiration of the member's term and until the member's successor is appointed, but not more than 90 days after the expiration of the member's term.
- (8) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (9) The board shall elect annually a chair and a vice chair from its members.
- (10) (a) The board shall meet at least quarterly.
- (b) Special meetings may be called by the chair upon the chair's own initiative, upon the request of the director, or upon the request of three members of the board.
- (c) Three days' notice shall be given to each member of the board before any meeting.
- (11) Five members constitute a quorum at any meeting, and the action of a majority of members present is the action of the board.
- (12) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 360, 2012 General Session